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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

June 2008 Grand Jury

08 CR 3367 L

UNITED STATES OF AMERICA,	)	Criminal Case No. _____
	)	
Plaintiff,	)	<u>I N D I C T M E N T</u>
	)	
v.	)	Title 18, U.S.C.,
	)	Secs. 1030(a)(5)(A)(i) and
TINA KAFKA,	)	(c)(2)(B)(iii) - Intentionally
	)	Causing Damage to a Protected
Defendant.	)	Computer

The grand jury charges that:

Count 1

At all relevant times:

1. Explorer Elementary Charter School (hereinafter "Explorer") was an elementary school located in San Diego, California.
2. Defendant TINA KAFKA was employed by Explorer as a teacher for the 2006-2007 school year.
3. Explorer's electronic mail service was Microsoft Outlook Web Access, which allows users to access their email accounts from any computer connected to the Internet using a standard web browser. Explorer employees were assigned individual email accounts each requiring a user name and a password for access.

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NAJ:em:San Diego  
9/26/08

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4. Beginning in or about December 2006 and continuing to and including on or about November 7, 2007, within the Southern District of California, defendant TINA KAFKA knowingly caused the transmission of a program, code and command and as a result of such conduct, intentionally caused "damage," as defined at Title 18, United States Code, Section 1030(e)(8), without authorization, to Explorer's computer system, a "protected computer" as defined at Title 18, United States Code, Section 1030(e)(2)(B), and caused loss, as defined at Title 18, United States Code, Section 1030(e)(11), to Explorer aggregating at least \$5,000 in value; to wit: defendant accessed without authority, the electronic mail accounts of at least sixteen (16) Explorer employees; attempted to forward mail from one account to a third party; and, deleted mail from an account; all in violation of Title 18, United States Code, Sections 1030(a)(5)(A)(i) and (c)(2)(B)(iii).

DATED: October 2, 2008.

A TRUE BILL:

KAREN P. HEWITT  
United States Attorney

By: NICOLE ACTON JONES  
Assistant U. S. Attorney